

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-1122 (RGA)
)	
BAXALTA INCORPORATED, BAXALTA)	
US INC., and NEKTAR THERAPEUTICS,)	
)	
Defendants.)	

**DECLARATION OF CAROLINE BERCIER
IN SUPPORT OF PLAINTIFF BAYER HEALTHCARE LLC'S
MOTION FOR ATTORNEYS' FEES PURSUANT TO 35 U.S.C. § 285**

I, Caroline Bercier, Esq., hereby state and declare as follows:

1. I am an attorney at the law firm of Sidley Austin LLP and serve as counsel for Defendant Bayer HealthCare LLC ("Bayer"). I am over 18 years of age and competent to testify as to the matters set forth herein. I am providing this declaration in support of Bayer Healthcare LLC's Opening Brief in Support of Motion for Attorneys' Fees Pursuant to 35 U.S.C. § 285.

2. Attached as Exhibit A is a true and correct copy of an email from counsel for Baxalta to counsel for Bayer, dated January 29, 2019.

3. Attached as Exhibit B is a true and correct copy of an email chain between counsel for Baxalta to counsel for Bayer, dated February 3-4, 2019.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Date: February 22, 2019

/s/ Caroline Bercier
Caroline Bercier, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on February 22, 2019, upon the following in the manner indicated:

Frederick L. Cottrell, III, Esquire
Kelly E. Farnan, Esquire
Jason J. Rawnsley, Esquire
Nicole K. Pedi, Esquire
RICHARDS, LAYTON & FINGER, P.A.
920 North King Street
Wilmington, DE 19801
Attorneys for Defendants

VIA ELECTRONIC MAIL

Edgar H. Haug, Esquire
Porter F. Fleming, Esquire
Sandra Kuzmich, Ph.D.
Angus Chen, Ph.D.
Richard F. Kurz, Esquire
Erika V. Selli, Esquire
Elizabeth Murphy, Esquire
David Zwally, Esquire
George Reitboeck, Esquire
HAUG PARTNERS LLP
745 Fifth Avenue
New York, NY 10151
Attorneys for Defendants

VIA ELECTRONIC MAIL

Joshua Barlow, Esquire
HAUG PARTNERS LLP
One Post Office Square
Boston, MA 02109
Attorneys for Defendants

VIA ELECTRONIC MAIL

/s/ Michael J. Flynn

Michael J. Flynn (#5333)